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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/296,202	04/21/1999	TODD R. COLLART	IACTP001	8074

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DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
2355 MAIN STREET, SUITE 200
IRVINE, CA 92614

EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary

Application No.

09/296,202

Applicant(s)

COLLART, TODD R.

Examiner

Cristina O Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 25. 6) ☐ Other: _____

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DETAILED ACTION

1. This communication is in response to Applicant's Request for Continued Examination received 25 August 2003. Claims 1-19 have been amended. Claims 1-19 are pending in this case.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8 August 2003 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Brindze et al (US 5,822,291A).

6. Regarding claim 1 –

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Brindze discloses a method, comprising the steps of incorporating a tracking identifier onto a an electronic storage medium; tracking the electronic storage medium while being shipped between various entities using the tracking identifier; detecting the tracking information when the electronic storage medium is coupled with a computer; transmitting the tracking information to a server computer; and determining appropriate support information utilizing logic in the server computer to transmit to the computer (Col 1 ln 53 – col 2 ln 39).

7. Regarding claim 2 –

Brindze discloses the method as recited in claim 1, wherein the server computer performs a table lookup to determine the retailer that sold the package (col 1 ln 52-60).

8. Regarding claim 3 –

Brindze discloses the method as recited in claim 1, wherein the server computer is coupled to the computer via a network (Col 6 ln 30-55).

9. Regarding claim 4 –

Brindze discloses the method as recited in claim 1, wherein the server computer transmits information utilizing an Internet protocol (Col 6 ln 30-55).

10. Regarding claim 5 –

Brindze discloses the method as recited in claim 1, wherein a transaction is written to a database memorializing process (col 1 ln 52-60).

11. Regarding claim 6 –

Brindze discloses a method as recited in claim 1, wherein support information is passed to the server to identify pertinent support information (col 5 ln 20-32).

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12. Claims 7-11 are rejected under 35 U.S.C. 102(a) as being anticipated by Brindze et al (US 5,822,291A).

13. Regarding claim 7 –

Brindze discloses an apparatus comprising an electronic storage medium having a digital code; and the digital code representative of an identifier of content on the optical disc electronic storage medium; means for tracking the electronic storage medium while being shipped between various entities using the identifier; the apparatus including logic that detects the tracking information when the electronic storage medium is coupled with a computer; the apparatus including logic that transmits the tracking information to a server computer; and the apparatus including logic in the server computer that determines appropriate support information utilizing logic in the server computer to transmit to the computer (Col 1 ln 53 – col 2 ln 39).

14. Regarding claim 8 –

Brindze discloses an apparatus as recited in claim 7, wherein the server computer performs a table lookup to determine the retailer that sold the package (col 1 ln 52-60).

15. Regarding claim 9 –

Brindze discloses the apparatus as recited in claim 7, wherein the server computer is coupled to the computer via a network (Col 6 ln 30-55).

16. Regarding claim 10 –

Brindze discloses the apparatus as recited in claim 7, wherein the server computer transmits information utilizing an Internet protocol (Col 6 ln 30-55).

17. Regarding claim 11 –

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Brindze discloses the apparatus as recited in claim 7, wherein a transaction is written to a database memorializing processing (col 1 ln 52-60).

18. Claims 12-19 are rejected under 35 U.S.C. 102(a) as being anticipated by Brindze et al (US 5,822,291A).

19. Regarding claim 12 –

Brindze discloses a program embodied on a computer readable medium for identifying and providing a response to the use of an electronic storage medium having an identifier incorporated thereon, the program comprising: a code segment that reads the identifier of the electronic storage; a code segment for tracking the electronic medium while being shipped between various entities using tracking identifier and adding further tracking information to a database; a code segment that detects the tracking information when the package is coupled with a computer; a code segment that transmits the tracking information to a server computer; and a code segment in the server computer that determines appropriate support information utilizing logic in the server computer to transmit to the computer (Col 1 ln 53 – col 2 ln 39).

20. Regarding claim 13 –

Brindze discloses the program as recited in claim 12, wherein the server computer performs a table lookup to determine the retailer that sold the package (col 1 ln 52-60).

21. Regarding claim 14 –

Brindze discloses the program as recited in claim 12, wherein the server computer is coupled to the computer via a network (Col 6 ln 30-55).

22. Regarding claim 15 –

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Brindze discloses the program as recited in claim 12, wherein the server computer initiates support of authorized information utilizing a transaction from the server computer (Col 6 ln 30-55).

23. Regarding claim 16 –

Brindze discloses the program as recited in claim 12, wherein a transaction is written to a database memorializing processing (Col 6 ln 30-55).

24. Regarding claim 17 –

Brindze discloses the program as recited in claim 12, including a code segment that receives live support information from the server computer (Col 1 ln 53 – col 2 ln 39).

25. Regarding claim 18 –

Brindze discloses the program thereon as recited in claim 17, including a code segment that transmits support criteria to the server computer (Col 2 ln 20-39).

26. Regarding claim 19 –

Brindze discloses the program as recited in claim 12, including a code segment that posts support indicia of video, user information, and a suitable player to a database (col 6 ln 56 – col 7 ln 2).

27. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part

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of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

29. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

30. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



JAMES P. TRAMMELL
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TECHNOLOGY CENTER 3600